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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,745	03/05/2002	Dmitry Ryumkin	12657-US	7016
23553	7590	03/24/2005	EXAMINER	
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			2633	

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/087,745

Applicant(s)

RYUMKIN, DMITRY

Examiner

Dzung D Tran

Art Unit

2633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 06/06/2002.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Specification***

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 15 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Schofield et al. US publication no. 2003/0212829.

Regarding claims 1 and 15, Schofield discloses a system for exchanging addressing information between optical nodes in an optical network (figure 22) comprising:

an OSS (equivalent to registration means) to register OSA-enable user A and B identifiers (e.g., an address assigned) , see page 9, paragraph 0113, to an ASON edge device O1, O2 of figure 22 (equivalent to optical node), see page 30, lines 18-28;

means to detects registration of an assigned address (see page 9, paragraph 0114) and to initiate a message to other nodes in the network in response thereto (see page 9, paragraph 0115), said message carrying the address information (see page 9, paragraph 0108); and

means at each node to store the address information carried in the message (see page 9, paragraph 0116).

Regarding claims 2 and 16, figure 22 of Schofield clearly shown the address information represents a client-level address of a point of attachment of a node in the network (e.g., client A identifier of a point of attachment of a node (O1) and client B identifier of a point of attachment of a node (O2).

Regarding claim 3, Schofield discloses the client-level address (e.g., OSA-enable user identifier, see page 9, paragraph 0108) is the address of a unit of customer premise equipment (CPE) attached to the network.

Regarding claim 4, Schofield discloses the ASON typically include optical cross connect switches (OXC's), see page 2, paragraph 0045, page 3, paragraph 0052).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 6, 9, 12-14, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schofield et al. US publication no. 2003/0212829 in view of Civanlar et al. US patent no. 2004/0213221.

Regarding claims 5 and 17, as per claims above, Schofield discloses all the limitations except for routing the message via. an Internal Border Gateway Protocol (IBGP) over the Border Gateway Protocol. Civanlar discloses an optical network 10 that use an Internal Border Gateway Protocol for routing information (page 3, paragraph 0034). Since Internal Border Gateway Protocol is well recognize in the art is used for routing the information from an optical node to another optical node inside of the domain (e.g., interior gateway protocol also can be OSPF or IS-IS) and the Border Gateway Protocol is used for routing information from edge node of one domain to edge node of another domain. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to include the Internal Border Gateway Protocol taught by Civanlar in the system of Schofield. One of ordinary skill in the art would have been motivated to do this order to properly routing the information from node to node of the optical system. Furthermore, this supporting rational is based on a recognition that the claimed difference exist not as result of attempt by applicant to solve a problem but merely amounts to selection of expedients known to artisan of ordinary skill as design choice.

Regarding claim 9, as per claims above, Schofield discloses all the limitations except for routing the message via. an Internal Border Gateway Protocol (IBGP) over the Border Gateway Protocol. Civanlar discloses an optical network 10 that use an Internal Border Gateway Protocol to carry routing information (page 3, paragraph 0034). Since Internal Border Gateway Protocol can be used for routing the information from an optical node (e.g., optical node can be an ASON that include optical cross-connect

switch) to another optical node. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to include the Internal Border Gateway Protocol taught by Civanlar in the system of Schofield. One of ordinary skill in the art would have been motivated to do this order to properly routing the information from node to node of the optical system. Furthermore, this supporting rational is based on a recognition that the claimed difference exist not as result of attempt by applicant to solve a problem but merely amounts to selection of expedients known to artisan of ordinary skill as design choice.

Regarding claim 6, Schofield further discloses the assignment registration is implemented by a User Network Interface (UNI) Address Registration request (figures 2, 3, page 3, paragraph 0051, 0053).

Regarding claim 12, Schofield further discloses the optical node point of attachment is configured on the cross-connect switches using an Element Management System 380 (EMS) (figure 3, page 3, paragraph 0053).

Regarding claim 13, Schofield further discloses the assignment registration is implemented by a User Network Interface (UNI) Address Registration request (figures 2, 3, page 3, paragraph 0051, 0053).

Regarding claim 14, Schofield further discloses the a Network Management System (NMS) address service 370 (figure 3, page 3, paragraph 0053).

Regarding claim 18, figure 22 of Schofield clearly shown the address information represents a client-level address of a point of attachment of a node in the network

(e.g., client A identifier of a point of attachment of a node (O1) and client B identifier of a point of attachment of a node (O2).

5. Claims 7, 8, 10 and 11, are rejected under 35 U.S.C. 103(a) as being unpatentable over Schofield et al. US publication no. 2003/0212829 in view of Civanlar et al. US publication no. 2004/0213221 and further in view of Kidder et al. US publication no. 2004/0031030.

Regarding claims 7 and 10, as per claims above, the combination of Schofield and Civanlar discloses all limitations except for the assignment registration is implemented by a Command Line Interface (CLI) command. Kidder discloses for using a Command Line Interface (CLI) command to send the message or control command to change the configuration database (page 34, paragraph 0346, page 35, paragraph 0348). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to include the Command Line Interface (CLI) command taught by Kidder in the system of Schofield and Civanlar. One of ordinary skill in the art would have been motivated to do this order for the OSA-enable user to send the message to the OSS (equivalent to registration means) to register their identifiers. Furthermore, this supporting rational is based on a recognition that the claimed difference exist not as result of attempt by applicant to solve a problem but merely amounts to selection of expedients known to artisan of ordinary skill as design choice.

Regarding claims 8 and 11, as per claims above, the combination of Schofield and Civanlar discloses all limitations except for the assignment registration is

implemented by a Simple Network Management Protocol (SNMP) request. Kidder discloses for using a Simple Network Management Protocol (SNMP) (page 10, para. 0119, page 14, para. 0176, page 23, para. 0246). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to include the Simple Network Management Protocol (SNMP) taught by Kidder in the system of Schofield and Civanlar. One of ordinary skill in the art would have been motivated to do this order for the OSA-enable user to send the message to the OSS (equivalent to registration means) to register their identifiers. Furthermore, this supporting rational is based on a recognition that the claimed difference exist not as result of attempt by applicant to solve a problem but merely amounts to selection of expedients known to artisan of ordinary skill as design choice.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - a. Dutta et al. U.S. publication no. 2002/0073975. Method and system for augmenting web-indexed search engine results with peer to peer search results
  - b. Li et al. U.S. patent no. 6,636,895. System device and method for distributing multicast routing information in a protocol independent multicast network
  - c. Dutta et al. U.S. patent no. 6,636,854. Method and system for augmenting web-indexed search engine results with peer to peer search results



7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dzung D Tran whose telephone number is (571) 272-3025. The examiner can normally be reached on 9:00 AM - 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dzung Tran  
03/18/2005

*Dzung Tran*